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11 DONALD J. TRUMP

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 STEPHANIE CLIFFORD a.k.a.
15 STORMY DANIELS,

16 Plaintiff,

17 v.

18 DONALD J. TRUMP,

19 Defendant.

Case No. 2:18-cv-06893-SJO-FFM

**SECOND SUPPLEMENTAL
DECLARATION OF
CHARLES J. HARDER
IN SUPPORT MOTION OF
DEFENDANT DONALD J. TRUMP
FOR ATTORNEYS' FEES AND
MONETARY SANCTIONS**

Assigned for All Purposes to the
Hon. S. James Otero

Date: December 3, 2018
Time: 2:00 p.m.
Location: 350 West 1st Street
Courtroom 10C, 10th Floor
Los Angeles, CA 90012

Action Filed: April 30, 2018

SECOND SUPPLEMENTAL DECLARATION OF CHARLES J. HARDER

I, Charles J. Harder, declare:

1. I am an attorney duly licensed to practice before all courts of the State of California and in the U.S. District Court for the Central District of California, among other courts. I am a partner of the law firm Harder LLP, counsel of record for Defendant Donald J. Trump (“Mr. Trump”). I make this declaration based on my own personal knowledge and, if called and sworn as a witness, I could and would competently testify hereto.

2. I make this declaration to provide the Court with an up-to-date summary of the attorneys’ fees that Mr. Trump incurred and seeks in connection with his Motion for Attorneys’ Fees and Monetary Sanctions (the “Motion”).

3. Attached hereto as **Exhibit A** is a supplemental statement detailing the amount of fees that Mr. Trump incurred *after* the filing of the Motion, and thus not included in my initial declaration or the Motion. The statement is divided into the following categories: (1) Preparation of Reply in Support of Motion; and (2) Preparation for and Attendance at Hearing.¹ The effective hourly rates listed in the statement are the same rates as those stated in the Motion. This statement was prepared by my office and is based upon Harder LLP’s billing records for this action. I have received these billing records, and the attached supplemental statement accurately reflects those records.

4. Taking into account the fees Mr. Trump incurred after filing the Motion, the total fee award sought by Mr. Trump is **\$389,403.11**, broken down as follows:

¹ The statement contains estimates of three (3) hours each for Mr. Stonerock and myself to attend the hearing, including travel to and from Court. The remaining time entries reflect the actual time incurred as of the date of this declaration.

Action	Hours	Fees
Total Fees originally sought in Motion (excluding Reply and Hearing on Motion)	509.25	\$341,559.50
Prepare Reply in Support of Motion	36.50	\$23,617.43
Prepare for and Attend Hearing on Motion	35	\$24,226.18
TOTAL (including Reply and Hearing)	580.75	\$389,403.11

5. In my initial declaration in support of the Motion, I estimated that an additional twenty (20) hours in attorney time would be necessary to review Plaintiff's Opposition to the Motion and prepare a Reply brief, and an additional sixteen (16) hours in attorney time would be necessary to prepare for and attend a potential hearing on the Motion. Additional time beyond my estimate for the Reply brief was necessary to review and distinguish the thirty (30) cases cited in Plaintiff's eighteen (18) page Opposition, analyze Mr. Avenatti's declaration and the *Real Rate Report* relied upon by Plaintiff, prepare evidentiary objections to Mr. Avenatti's declaration, and address each of Plaintiff's procedural and substantive arguments, all while condensing the Reply brief into five (5) pages.

7. Additional time beyond my estimate to prepare for and attend the hearing was necessary in order to, among other things, prepare a detailed outline addressing each of the arguments and authorities in the Opposition and to prepare this supplemental declaration.

8. Attached hereto as **Exhibit B** is a true and correct copy of a December 3, 2018 tweet by Mr. Avenatti, which was obtained from the following URL: <https://twitter.com/MichaelAvenatti/status/1069611810821627906>. Mr. Avenatti's tweet states: "There has been a lot of misreporting about the money @StormyDaniels and I raised for her legal costs/expenses. See the real facts below. As you can see, we did not do this for the money. We did it because it was the right thing to do. And we will continue to do so. #Basta". Mr. Avenatti's tweet contains a document entitled "Update Re crowdjustice.org," which states, in part, that in representing Plaintiff:

1 As of October 31, 2018, at least **four attorneys** have billed time to the
2 various matters. Collectively, we have spent a total of over **2,381**
3 **billable hours**. **At our standard hourly rates, this time equates to**
4 **approximately \$1,638,390**. Importantly, these figures do not include
5 any time spent on TV interviews or shows nor do they include any time
6 spent responding to journalists seeking comment for various publications
7 despite the fact that we believe much of this time benefited the legal
8 efforts.

9 In addition to the time above, we have also had no fewer than four staff
10 members devoting time to your matters, including multiple legal
11 secretaries and paralegals/legal assistants. **As a point of reference,**
12 **through October 31, 2018, the lead paralegal working on the matters**
13 **has spent over 691 hours, at a cost of \$134,745.** (Emphasis added.)

14 9. According to the figures contained in Mr. Avenatti's Tweet, the average
15 hourly rates billed by attorneys at his firm for their representation of Plaintiff is
16 **\$688.11** (\$1,638,390 divided by 2,381 billable hours). In contrast, the average hourly
17 rate of Mr. Trump's attorneys for the fees sought in the Motion is **\$670.52**
18 (\$389,403.11 divided by 580.75 hours).

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1 10. Attached hereto as **Exhibit C** is a true and correct copy of a November
2 18, 2018 article published by *The Daily Beast*, which was obtained from the following
3 URL: [https://www.thedailybeast.com/stormy-daniels-michael-avenatti-filed-defamation-](https://www.thedailybeast.com/stormy-daniels-michael-avenatti-filed-defamation-case-against-trump-against-my-wishes)
4 [case-against-trump-against-my-wishes](https://www.thedailybeast.com/stormy-daniels-michael-avenatti-filed-defamation-case-against-trump-against-my-wishes). In the article, plaintiff Stephanie Clifford's
5 counsel, Michael Avenatti, is quoted as stating that, in representing Plaintiff, his firm
6 has "spent well over a thousand hours of attorney time on the case at a value of over
7 \$1,500,000 (and no, we do not count interviews or media as attorney time)."

8 I declare under penalty of perjury under the laws of the United States of
9 America that the foregoing is true and correct.

10 Executed on December 3, 2018, at Los Angeles, California.

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12 CHARLES J. HARDER